

House Committee Activity: April 26 - 28, 2004

House Research Division:

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Conservation and Environment
Transportation

Matt Barnes

Agriculture
Commerce

Paige Edwards

Judiciary

Lawrence Hall, Jr.

State and Local Government

Pam Mason

Education

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Health and Human Resources

Shannon Romain

Children and Family Affairs
Consumer & Employee Affairs

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This was the view committee members had on Wednesday as citizen and media interest in the workers' compensation legislation brought a large crowd to Meeting Room 30. (At the microphone was Treasurer Dale Sims.) Chairman West has announced that the Consumer and Employee Affairs Committee will resume discussion today after session.

Agriculture

Matt Barnes

The House Agriculture Committee is closed.

Children & Family Affairs

Shannon Romain

Full Committee

The Children and Family Affairs Committee held its **final meeting** yesterday. Two bills were referred to Finance, Ways and Means. **HB 2543** (Rep. Fowlkes) removes the fee exemption on nonresident couples who marry in Tennessee. Under present law, nonresidents received the discounted fee of \$60 whether or not they

provide proof of premarital counseling as Tennessee residents are required to provide to receive the discount. This bill removes that exception. Upon enactment, couples from other states will be required to pay the \$90 fee unless they provide proof of premarital counseling. An amendment to the bill shifts revenues raised by the license fees from Weems Academy to CASA.

HB 3337 (Rep. Maddox) pertains to notification of the termination of child support payments in Title IV cases. Under the amendment, which makes the bill, the Department of Human Services is required to give child support recipients and obligors notice that an order is due to be suspended and/or terminated because the child is turning 18 years of age and has graduated, or the class, of which the child is a member

when he turns 18, graduates. Notice must be given of the department's intent to suspend and permanently terminate the order at least 90 days prior to the child's 18th birthday.

The bill directs the department to provide notice when its records indicate that a child is about to turn 18, however, an obligor may independently seek termination of a support order or request that the department assist in terminating an order if the obligor can show that certain requirements have been met. Upon a showing of proof by the parent obligor or DHS records, the department must immediately temporarily suspend the support order.

The department is still required to give each party notice of reviews, findings and its actions. The bill designates the methods of notice in circumstances where there has and has not been a court ordered deviation from the guidelines. In either instance, the recipient and the obligor both retain the right to request a hearing on the issue of the termination. If the recipient contests the hearing and prevails, the obligor is required to pay any child support owed in addition to any arrearages and court costs.

If a support order is suspended or terminated for a child, but the obligor is still obligated to support other children, the department must immediately review the remaining support order(s) and make any adjustments if necessary or seek a modification if there has been a deviation. In either event, the department is required to notify both the recipient and the obligor and to comply with all due process requirements for notice.

Finally, the amendment requires LEAs to provide proof of a child's graduation within 20 business days of a written request.

HB 2848 (Rep. Bowers) and **HB 2899** (Rep. Casada) were referred to Calendar and Rules. HB 2848, the "Protective Parent Reform Act" as amended, specifies that guardian ad litem are subject to rule 40 of the Tennessee Rules of the Supreme Court. It also specifies that a parent's custody and visitation rights shall not be restricted or revoked based solely on a good faith belief or good faith allegation that a child is the victim of abuse, neglect, or domestic violence. The allegation must be reasonable and supported by fact; any actions taken based on that belief must be lawful and reasonable.

Under the amendment, if an allegation of abuse is supported by a preponderance of the evidence, the court must consider that evidence in determining a visitation arrangement that is in the best interest of the child. The

court is prohibited from placing a child in the custody of a parent who presents a substantial risk of harm to that child.

The amendment makes the bill.

HB 2899 codifies federal law. It requires the Department of Children's Services to train all Child Protective Services (CPS) workers in their legal duties to protect the constitutional and statutory rights of families and children during investigations. The bill requires CPS workers to advise individuals who are the subject of a child abuse and neglect investigation of the complaints or allegations made against the individual, during the initial contact. The information must be conveyed in a manner that is consistent with laws protecting the rights of the informant. The bill specifies that the legislation is to protect the legal rights of the family and to ensure that no activity occurs which would compromise the department's investigation or any ongoing criminal investigations. The amendment makes the bill.

HB 2579 (Rep. Bowers) has been deferred indefinitely. The committee is now closed pending the call of the chair.

Commerce

Matt Barnes

Full Committee

The **Commerce Committee** met Tuesday with nine bills on calendar. The committee will likely hold one more meeting, subject to the call of the chair.

- Passed to Calendar and Rules:

HB 1693 (Bowers), as amended, extends the TennCare Oversight Committee to 2009.

HB 3589 (Hargrove) generated the most discussion. The bill expands the definition of "charitable organizations" so that if those entities purchase or receive by assignment life insurance on a consenting person before, on or after April 23, 1992, they will be deemed to have had an insurable interest in the insured person's life on the date of the purchase or assignment. The expanded definition includes 1) a §501(c)(3) organization; 2) any organization to whom a contribution can be made under Internal Revenue Code §170(c); or 3) any trust, partnership, limited liability company or any other

approved beneficiary or owner of the life insurance by the 501(c)(3) or 170(c).

Lobbyist Courtney Pearre spoke for the bill, saying similar measures have passed in Texas and Virginia as inventive mechanisms for charities to raise money. According to Mr. Pearre, a variety of Tennessee entities will benefit, including, among others, 4-H, Easter Seals, Tennessee Technological University, Austin Peay State University, David Lipscomb University and Meharry Medical College. Further, he said the Board of Regents supports having such a program available if needed.

Nashville estate planner Scott Clayton said he and most others in the life insurance business oppose the bill because, according to him, it undermines Tennessee law by allowing non-charities to benefit as a charity from life insurance when they have no relation to the insured. Roy Best agreed, saying life insurance policy monies are supposed to go to widows, widowers and charities. All those opposing the bill expressed concern over potential abuse. When the issue of illegally taking an insured's life to reap the benefits arose, Vice-chair Curtiss pointed out that it is a non-issue since the investors would be losing their investment by "bumping someone off."

- Passed to Finance, Ways and Means:

HB 1881 (Todd) originally created the Tennessee Health Insurance Risk Pool. An amendment re-writes the bill to authorize the Department of Commerce and Insurance to conduct a study into the need for such a risk pool and report its findings to the House and Senate Commerce committees by March 1, 2005.

HB 3513 (McMillan), as amended, is an administration bill that gives the governor broad authority to address the inherent problems in TennCare. As stated previously by Rep. McMillan, the bill authorizes the governor to: 1) fix TennCare, a major focus being to control cost; 2) create a comprehensive disease management program with safety net provisions; 3) control pharmacy costs; 4) create a separate and distinct fraud and abuse unit; and 5) define "medical necessity." The committee adopted the amendment that makes the bill, as well as two others brought by Reps. Shepard and Bowers.

Rep. Shepard's amendment is a compromise, according to Rep. McMillan, requiring TennCare to consult with Tennessee pharmacists who are TennCare providers to determine the cost-effectiveness of any proposed pharmacy program. Rep. Bowers' amendment, as revised by the sponsor in committee, allows the House

and Senate speakers to have a say in the make-up of the TennCare Advisory Commission. Of the 11 members the governor shall appoint to the commission, 1 shall be chosen from a list of 3 nominated by the House speaker and another chosen from a list of 3 nominated by the Senate speaker. If the governor refuses all 3 nominated by a speaker, the nominating speaker shall submit a new list of 3. Rep. Bowers' amendment also requires the commission to present its recommendations no later than November 10 of each year to the chair of the TennCare Oversight Committee and speakers of both houses, as well as the governor.

- Rolled:

HB 2513 (McKee) adds McMinn County to the list of counties where motor vehicle racing is permitted no more than three days a week. If racing is conducted on those three days, one of the days must be a Sunday. The bill was rolled to the last calendar at the sponsor's request.

HB 3145 (Johnson, R.), if amended by the subcommittee amendment, prohibits the issuance, selling or exchanging of a commitment or contract of real property title insurance unless the commitment and contract is countersigned by 1) a resident of this state holding an effective license to issue title insurance, or 2) an authorized representative of an entity with an effective certificate of authority that maintains an office and agent subject to service of process in Tennessee. Out-of-state agents or entities holding an effective non-resident license or certificate of authority will be allowed to engage in title insurance activities as long as the commitments or policies are countersigned pursuant to the above requirements. The bill was rolled to the last calendar.

HR 328 (McMillan) urges the continued discussions between House staff members and Tennessee cable companies regarding a state governmental affairs cable channel. The resolution was rolled one week since the committee ran out of time.

HB 2870 (Shepard) expands the entities covered by the "Any Willing Provider" pharmacy access statute. Presently, issuers of health insurance and managed health insurance are prohibited from denying the right of any licensed pharmacy or pharmacist to participate in pharmacy plans under the same terms and conditions as other pharmacy providers. An amendment the committee previously adopted includes the state and its political subdivisions in the prohibition and allows the

pharmacists to participate at the same compensation, as well as the same terms and conditions. The committee also previously adopted an amendment to the amendment that TennCare, which is not exempted from the bill, requested. Rep. Shepard said the amendment allows for flexibility and ensures a level playing field for mail order and retail providers regarding co-pays. The bill was rolled one week since the committee ran out of time.

- Taken off notice:

HB 3330 (Bowers), as revised by an amendment the committee had previously adopted, required insurers that provide hospital expense and surgical or medical expense coverage to cover an insured for emergency treatment and follow-up treatment relative to the emergency condition regardless of the insured's being intoxicated or under any narcotic. The coverage would have been subject to policy limitations. With no discussion, the bill was taken off notice at the sponsor's request.

Utilities and Banking Subcommittee

Chairman Hargrove filled in for Chairman Curtiss at the **Utilities and Banking Subcommittee** meeting on Tuesday. Chairman Curtiss' presence was required at the first meeting of the Methamphetamine Task Force. The subcommittee will hold one more meeting.

- Passed to full committee:

HB 2931 (Rinks) increases electrical inspection fees. Previously, Rep. Rinks said the parties have been discussing various alternatives to address the problem of rural inspectors not getting paid as much as those in urban areas. For example, an urban inspector might visit a subdivision and inspect 15 homes in a day, while a rural inspector, due to the distances between homes, may only inspect a few. He claimed that all the parties agree an inequity exists, but they are still working on the amendment to cure it.

HB 1208 (DuBois), as amended, directs the TRA to create a report on a state "Do-Not-E-mail" registry and submit the report to the House and Senate Commerce committees by February 1, 2005. The original bill called for the TRA to create the registry itself at a cost of \$363,100 in recurring expenses. The amendment makes the state expenditures not significant.

HB 2569 (Hackworth), as amended, allows the state to provide tax credits up to 25 percent to firms for performing qualified research. Such research is defined in the amendment as technological in nature and intended for the development of a new or improved business component. Fiscal Review Executive Director Jim White spoke to the subcommittee regarding the fiscal impact of the bill as amended. He said 25 percent of a firm's total tax liability would be forgiven (\$250,000 of a \$1 million total tax liability, for example). Clark Rose, legislative liaison for the Department of Economic and Community Development, said the department is deferring to the legislature on this and the approximately seven other bills similar to this one.

- Rolled one week:

HB 3032 (Brown) creates a seven-member commission for minority economic and community development. The Black Caucus shall appoint two members and the governor five from various colleges and the Department of Economic and Community Development.

- Taken off notice:

HB 2518 (Turner, M.) requires notice to certain homebuyers that a house lies in a flood plain or did lie in a flood plain before being raised.

HB 1936 (Bunch) prohibits real estate closings over the Internet and requires title policies to be signed by agents who are Tennessee residents.

Both the **Small Business Subcommittee** and the **Industrial Impact Subcommittee** are closed.

Conservation & Environment

Greg E. Adkins

Full Committee

The **full Environment Committee** is closed subject to the call of the Chair.

Environment Subcommittee

The **Environment Subcommittee** is closed subject to the call of the Chair.

Parks Subcommittee

The **Parks Subcommittee** is closed subject to the call of the Chair.

Wildlife Subcommittee

The **Wildlife Subcommittee** is closed subject to the call of the Chair.

Consumer & Employee Affairs

Shannon Romain



Wednesday, in Consumer & Employee Affairs

The **Consumer and Employee Affairs full committee** and the **Employee Affairs subcommittee** met this week. **HB 3531** (Rep. McMillan), on workers' compensation, was on the full committee calendar. The committee took no action on the bill, but heard testimony from interested parties. The committee recessed late yesterday afternoon and will resume hearings this morning (Thursday, April 30th) twenty minutes after session.

In the subcommittee, the following bills, sponsored by Rep. Mike Turner, comprised the calendar. All of the bills were taken off notice.

HB 2164 **HB 3197**
HB 3198 **HB 3199**

The subcommittees are now closed subject to the call of their respective chairs. The full committee remains open.

Education

Pam Mason

Full Committee

The Full Committee met Wednesday to consider its calendar. Actions taken follow.

Referred to Calendar & Rules:

HJR 1006 - (Hackworth) urges state board of education to study the inclusion of alcohol awareness and drug usage in K-12 curriculums.

Referred to Calendar & Rules, if amended:

HB 2783 - (Fowlkes) restricts the sale of certain foods sold to students in K-8 public schools from before school hours until at least 30 minutes after school.

HB 2979 - (Towns) requires the Select Oversight Committee on Education to study No Child Left Behind and report to the Governor and General Assembly in January of each year.

Referred to Finance, Ways & Means:

HB 3048 - (Kent) allows retired as well as full-time state employees to take one free course at state institutions of higher education.

The following bills, by suspension of the rules, were heard in subcommittee and full committee. Bill explanation is in appropriate subcommittee report. Final committee action follows.

HB 2687 - (Curtiss)	Calendar & Rules	HED
SJR 746 - (Shepard)	Calendar & Rules	K-12
HB 2422 - (Kernell)	Calendar & Rules	K-12

Deferred 1 week:

HB 2861 - (Brooks, Harry)
HB 2976 - (Jones, U.)
HB 2854 - (Winningham)
HB 1302 - (Hackworth)
HB 2562 - (Winningham)
HB 2688 - (Curtiss)
HB 2134 - (Newton)
HB 2647 - (Winningham)
HB 2644 - (Winningham)
HB 2558 - (Winningham)

Taken off notice:

HB 1432 - (Brown)
HB 482 - (Winningham)
HB 487 - (Winningham)
Higher Education Subcommittee

The Higher Ed Subcommittee held its last scheduled meeting of the 104th General Assembly on Tuesday. Dr. Brian Noland addressed the meeting on the lottery as it relates to the eligibility standard of 19 on the ACT or a 3.0 grade average. State Treasurer Dale Sims provided the subcommittee information on estimated net lottery cash flow through 2008. Action on the calendar follows:

Recommended to Full Committee:

HB 2562 - (Winningham) requires THEC to report annually on lottery scholarships to the Select Oversight Committee on Education and the Joint Lottery Committee.

HB 2687 - (Curtiss) clarifies definition of honorably discharged in determining eligibility for lottery scholarships for students entering the military within two (2) years of high school graduation.

HB 2688 - (Curtiss) clarifies that a recipient of Hope scholarship or other lottery awards will continue to be eligible for education assistance provided to children of POWs, MIAs, and combat related deaths.

HB 2647 - (Winningham) requires legislative approval for out-of-state education programs or ventures by the Board of Regents or UT Board of Trustees.

HB 2644 - (Winningham) requires lay-offs or abolishment of positions in higher education be in accordance with provisions of civil service law.

HB 2558 - (Winningham) requires any higher education building or structure cost, in a six (6) month period, of over \$100,000 be approved by the state building commission.

Recommended to Full Committee, if amended:

HB 2134 - (Newton) changes various eligibility requirements for the Hope scholarship.

Taken off notice:

HB 2321 - (Hargett)

HB 2530 - (Sharp)

HB 2964 - (Lynn)

HB 2542 - (Fowlkes)

HB 2514 - (Pinion)

HB 2174 - (Turner, M)

The subject matter of these bills is included in Rep. Newton's HB 2134.

Deferred to 2005:

HB 3351 - (Newton)

K-12 Subcommittee

The K-12 Subcommittee held meetings on Tuesday and Wednesday of this week to complete work for this session. On Wednesday the subcommittee's work was completed for the Session. The report of these meetings follows.

Recommended to Full Committee:

HB 1433 - (Brown) allows the State Board of Education to develop and provide to LEAs a model grading policy.

SJR 746 - (Shepard) directs the Department of Education to study and evaluate quality of curriculums and policies and procedures as to punishment in alternative schools. Findings are to be presented to the Select Oversight Committee on Education.

HB 3456 - (McMillan) includes development districts to be service delivery systems for character education.

HB 2818 - (Turner, L.) makes present law a requirement to develop a dropout variance reduction plan for African-American students rather than optional.

HB 2819 - (Turner, L.) requires students who are excused from compulsory attendance to be considered as school dropouts for statistical purposes.

HB 2844 - (Newton) requires Commissioner to evaluate lottery funded pre-kindergarten programs at least annually and report to the select committee on lottery.

HB 3210 - (Newton) authorizes system of competitive grants for after school educational programs funded from the lottery and administered through the Department of Education.

Recommended to Full Committee, if amended:

HB 1302 - (Hackworth) as amended creates an excise tax credit for qualified contributions to fund K-12 schools.

HB 2422 - (Kernell) as amended, provides that an LEA may allow a child to complete the school term in school where attending when custodial parent's residence is relocated due to active military duty or other hardship.

HB 3006 - (Armstrong) allows local boards of education or a governing board for a non-public school to set guidelines to assist students with diabetes.

HB 3511 - (McMillan) sets up new procedures for TVASS in Tennessee.

Taken off notice:

HB 2628 - (Black)

Referred to Select Oversight Committee on Education:

HB 3352 - (McDonald)

Finance, Ways & Means

House Finance, Ways, and Means Committee
Tuesday, April 27, 2004

The full committee met on Tuesday to discuss 28 bills on the full committee's Regular and Consent calendars.

HB 3176 (McMillan), HB 2519 (Turner M), HB 3301 (Armstrong), and HB 3344 (Armstrong) were rolled for one week.

All four of the resolutions on the Consent calendar, **HJR 1079 (Johnson R), HJR 1002 (Newton), HJR 1076 (Hargrove), and HJR 939 (Maddox)**, were referred to the Calendar and Rules Committee.

The following bills were referred to Calendar and Rules Committee:

HJR 861 (Brooks, Shelby) -- Encourages all law enforcement agencies in Tennessee that have yet to undertake a study of possible racial profiling practices in their departments to conduct such study as soon as possible. Encourages all law enforcement agencies to provide anti-racial profiling training for their officers on a continuing basis.

HB 3529 (McMillan) -- This bill, as amended by the full Finance Committee, would decouple Tennessee's excise tax from all federal accelerated depreciation enacted after 2002. It also closes a loophole in the franchise and excise tax arising from the manner in which Tennessee's decoupling from the 2002 federal changes would be applied to federal depreciation changes 2003.

HB 3539 (McMillan/Fitzhugh) -- As amended by the Full Committee, the bill enacts the Industrial Loan and Thrift Companies Act (TILT Act) and the Residential Lending, Brokerage and Servicing Act (Mortgage Act). This is a predatory lending bill in response to the federal rule that preempts state laws regulating federal banks. The bill increase penalties from \$500 to \$10,000 for violations. Further, since no current method exists to know the identities of the mortgage loan originators, this bill would establish registration requirements for such originators.

HJR 818 (Rinks) -- Proposes to amend the Constitution (Article XI, Section 9) relative to the consolidation of governmental and corporate functions vested in municipal corporations and vested in the counties. The

amendment would be referred to the 104th General Assembly and published by the Secretary of State.

HB 1474 (Briley) -- This bill, as amended by the Judiciary Committee, is discretionary legislation for law enforcement officers and highway patrolmen to include animal behavior training courses in any annual in-service training. Under the bill, certification training of peace officers may include animal behavior instruction. Also, officers may be required to complete animal behavior courses as part of in-service training if such officers were employed prior to the time when the course was established.

HB 643 (Maddox) -- As amended by the Budget Subcommittee, this bill provides a sales tax exemption for the sale of helicopters and related equipment within Tennessee to purchasers who are not residents of the state when such helicopters and related equipment are intended to be moved outside Tennessee following a sale, repair, or refurbishment. To qualify for the exemption, the helicopter must be removed from the state within 15 days of completion of any repairs or refurbishments. Currently, to qualify for the exemption, in the case of a sale of a helicopter, it must be removed from the state within 15 days from the date of purchase.

HB 3240 (Wood) -- This bill, as amended by the Commerce Committee, prohibits a privately owned public utility that supplies water to a municipal government from charging that government for hydrant services when the government provides fire protection services. To recover its costs, the utility may, following a rate proceeding by the TRA, charge non-municipal government customers within the area. The municipal government shall reimburse the state for any increase in expenditures up to \$50,000 resulting from this bill.

HB 3391 (Briley) -- As amended by both the Judiciary and Finance Committees, this bill consolidates provisions covering telecommunication theft and theft of cable television services. The bill also redefines these acts as communication theft and expands the definition to include theft of any service lawfully provided for a charge to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images, and sounds or intelligence by any method, including but not limited to, telephone, television, satellite, and Internet distribution system, network or facility. Some exceptions from this law are granted for non-profit libraries, archives, educational institutions, songwriters, music publishers, and artists/performers.

HB 3503 (McMillan/Hackworth) -- This bill changes the industry coding system used to determine the reserve ratio on which Tennessee's unemployment insurance new employer rates are based from the Standard Industrial Classification (SIC) Codes to the North American Industry Classification System (NAICS), effective July 1, 2004.

HB 861 (Bunch) -- As amended by the Children and Family Affairs Committee, this bill requires the Dept. of Human Services to review a child support order every three years upon request by either party. The department is to conduct the review even if there is no proof of any change in circumstances. If there is a significant variance between the order and the current support guidelines, the department is to seek adjustment of the order. If there is a substantial change in circumstances between the three-year cycle, the department is to review the order and seek an adjustment if warranted.

HB 1149 (DeBerry J/Sontany) -- This bill, as amended by the Health and Human Resources Committee, authorizes the Massage Licensure Board to create minimum standards for, and take disciplinary action against, schools of massage therapy. Per diem compensation is increased from \$50 to \$100.

HB 3364 (Sontany) -- Allows a county or municipality, by a resolution or ordinance adopted by a two-thirds vote of its legislative body, to establish and implement a plan authorizing the jail or workhouse administrator to charge an inmate committed to such jail or workhouse a nominal fee for various services. However, a State and Local Government Committee amendment on the bill makes it clear that no service will be withheld from any inmate if the inmate can't afford such services.

HB 3365 (Sontany) -- Allows a county or municipality, by resolution or ordinance adopted by a two-thirds vote of its legislative body, to establish and implement a plan authorizing the jail or workhouse administrator to charge an inmate a co-pay amount for substance abuse treatment provided to the inmate by the county or municipality by a licensed provider. Currently, jails and workhouses are authorized to charge a co-pay for medical services, treatment, and pharmacy services. Inmates may not be denied services solely on the basis that the inmate is unable to pay the co-pay.

HB 3383 (Kernell) -- As amended by the Conservation and Environment Committee, this bill clarifies the geographic size of the Lucius E. Burch, Jr. Natural Area as 788 acres located within Shelby Farms Forest Park in Shelby County. The amendment also requires TDEC to

give notice and opportunity for public comment on any proposal to designate new natural area or modify the natural area.

HB 2673 (Stanley) -- Authorizes Davidson and Shelby Counties to impose a local litigation tax up to \$6.00 in civil and criminal cases in general sessions courts. Funds are to be deposited in the county general fund and earmarked to fund the general sessions judges' salaries. Existing law allows all counties, except Davidson and Shelby Counties, to impose such tax, subject to two-thirds vote of the county legislative body.

HB 3397 (Stanley) -- As amended by the Judiciary Committee, this bill revises the law concerning persons who knowingly fail to appear at court, penal institutions, or other official proceedings when directed to appear by a lawful authority. As amended, failure to appear includes instances in which the person has been lawfully issued a criminal summons or has been lawfully commanded to appear for booking and processing pursuant to a criminal summons.

HB 2747 (Fitzhugh) -- An amendment by the Council on Pensions and Insurance makes the bill and gives a new employee of a state-supported institution of higher education 30 days from the date of employment to designate membership in the Tennessee Consolidated Retirement System (TCRS) or the Optional Retirement Program (ORP).

HB 3104 (Hood) -- This bill, as amended by the Transportation Committee, enacts a primary seatbelt law, by which an individual could be pulled over for only a seatbelt violation.

HJR 990 (Dunn) -- Proposes to amend Article XI of the Constitution of Tennessee, relative to the martial contract between one man and one woman. The amendment shall be referred to the 104th General Assembly and this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3, of the Constitution of Tennessee.

HB 3216 (Kent) -- As amended by the Finance and State and Local Government Committees, this bill requires counties that are in an early action compact or a non-attainment for air quality according to the EPA to adopt a section of their land-use plan which states that air quality issues will be considered as part of the county-wide land-use plans. This bill applies only to Sevier County.

Budget Subcommittee

Wednesday, April 28, 2004

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 42 bills on the regular subcommittee calendar and nine bills on the addendum calendars this week.

Actions of the Budget Subcommittee are as follows:

Action on the following bills was deferred for one week or until the next meeting: **HB 1387 (McMillan)**, **HB 2586 (Hagood)**, **HB 3449 (McMillan)**, **HB 3467 (McMillan/Coleman)**, **HB 2917 (West)**, **HB 3028 (Head)**, **HB 3542 (McMillan/Head)**, **HB 3366 (DeBerry J)**, **HB 2910 (West)**, **HB 3005 (Armstrong)**, **HB 3547 (McMillan/Head)**, **HB 3548 (McMillan/Head)**, **HB 3549 (McMillan/Head)**, **HB 3550 (McMillan/Head)**, **HB 3551 (McMillan/Head)**, **HB 2249 (Curtiss)**, **HB 3496 (McMillan)**, **HB 3067 (Hagood)**, **HB 1254 (McMillan)**, **HB 3469 (McMillan)**, **HB 3136 (McCord)**, **HB 2859 (DeBerry J)**, **HB 3037 (Head)**, **HJR 740 (Bowers)**, **HB 2652 (Cooper B)**, and **HB 2336 (Bowers)**.

The Subcommittee first amended and then deferred action for one week or until the next committee meeting on **HB 2502 (Langster)**, **HJR 776 (Cooper B)**, **HB 306 (Stanley)**, **HB 3039 (Matheny)**, **HB 2147 (Matheny)**, **HB 235 (Newton)**, and **HB 2815 (Turner L)**.

Bills that were placed behind the budget include **HB 2926 (Rinks)**, **HB 2973 (Bowers)**, **HB 952 (Tidwell)**, **HB 2566 (Winningham)**, **HB 3233 (McKee)**, **HB 2850 (Cochran)**, **HB 2959 (Lynn)**, and **HB 2262 (Cooper B)**.

Representative Maddox's HJR 939 was taken off notice.

HJR 773, by **Representative Brooks (Shelby)**, was referred to Speaker Pro Tempore DeBerry's committee on special study committees.

The following bills were referred to the full Finance, Ways, and Means Committee:

HB 2156 (Newton) – As amended by the State and Local Government Committee, this bill removes the requirement that retailer contracts be renewable annually. This amendment further changes the length of time to 180 days (as opposed to within one year) that a holder of a winning ticket must claim a prize. It also

requires the Lottery Corporation to transfer to the State Treasury an amount of funds that represent an estimate of the net lottery proceeds from the preceding quarter.

HB 2565 (Winningham) – As amended by the Judiciary Committee and Budget Subcommittee, this bill authorizes Scott County, by two-thirds vote of its legislative body, to levy an additional litigation tax per case in matters before the local general sessions, juvenile, and municipal courts. The amount of the tax to be levied per case will be set by the county commission. Revenues generated from this tax shall be used exclusively to support a pilot program of local non-profit drug testing program in the public school system. The Department of Education is authorized to request information from Scott County on the results of the pilot project and to recommend to the general assembly or other local education agency any elements of the pilot project that may have statewide applicability.

HB 2659 (Briley) – Provides that upon the establishment of an automated system for reporting final disposition of criminal cases, Court Clerks shall submit final disposition reports electronically to the Tennessee Bureau of Investigation (TBI). Any automated court information system being used or developed on or after July 1, 2005, including but not limited to, the Tennessee Court Information System (TnCIS), shall ensure that an electronic file of final disposition data for criminal cases will be reported to the TBI.

HB 2672 (Winningham) – This bill, as amended by the Conservation and Environment Committee, exempts persons currently residing either within the Sundquist Wildlife Management Area or on property physically contiguous to the management area from paying special user fees (TWRA fees) for horseback riding, bicycling, and off-road vehicle use.

HB 3319 (Curtiss) – Enacts the Higher Education Accountability Act of 2004.

HB 3498 (McMillan/Briley) – As amended by the Conservation and Environment Committee, this bill authorizes the Air Quality Control Board to expand the vehicle inspection and maintenance ("I & M") program to those counties in which it determines it is necessary to meet the US EPA standards for ozone; it allows counties to establish an I & M program by resolution so long as a number of criteria are satisfied.

HB 830 (Head) – This bill, as amended by the Transportation Committee, authorizes county clerks contracting with the Department of Safety for issuance

of driver licenses to charge an additional \$4.00 fee for the clerks' administrative costs. The amendment also urges the Department of Safety to seek alternative methods of contracting for services related to the issuance, examination, and renewal of driver's license.

HB 3390 (Briley/Tindell) -- As amended by the State and Local Government Committee, this bill changes the Charitable Gaming to allow those §501(c)3 organizations that filed applications for charitable gaming earlier this year (prior to April 20, 2004 Noon) with the Secretary of State's office to have an extension on the deadline (May 10, 2004, Noon) to resubmit their (amended) application due to minor errors. The Secretary of State's office would now have until May 13th to have their final omnibus list together, instead of May 4th as previously specified in the Public Chapter.

Government Operations

Kristina Ryan

The **Government Operations Committee** met on Tuesday, April 28, 2004 to consider six pieces of legislation. **HB 94** (Towns) and **HB 2721** (DeBerry, J.) were both rolled to the next meeting. **HB 2461** (Kernell) (TennCare Claims Processing Panel) and **HB 2457** (Kernell) (Advisory Committee on Women's Health) were taken off notice due to the lack of a quorum for the audit hearings on these entities.

The committee reviewed and referred **HB 3486** by Representative Pinion to the Transportation Committee. This bill is the Administration's Driver's License legislation. The bill, as amended, would create a certificate for driving for non-legal aliens for driving purposes only. The certificate would not be designated for identification purposes, and would expire either when the persons visa has expired or for one year for non visa applicants. If this legislation becomes law, it would be the strictest driving policy in the United States.

HB 3531 by Representative McMillan was reviewed and referred to the Consumer and Employee Affairs Committee. Commonly known as the Governor's Workers Compensation Bill, the committee reviewed regulatory references that are deemed necessary to implement this legislation. As amended, the legislation authorizes by rule the Commissioner of Labor and Workforce Development to set up a comprehensive medical fee schedule. In addition, the Commissioner of

Labor and Workforce Development may use emergency or public necessity rules that are deemed appropriate until July 1, 2005.

Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met April 27 - 28, 2004, to consider 11 bills and two resolutions on its final calendar. Four bills were referred at the Tuesday, April 27 meeting. **HB 2350** by Rep. Briley as amended was referred to FW&M. The amended bill increases the nursing home personal needs allowance for Medicaid patients from \$30 to \$40 by January 1, 2005. **HB 3131** by Rep. Briley as amended was referred to C&R. The amended bill requires physicians that use client billing for laboratory services to disclose on the bill or on a separate disclosure statement the name and address of the laboratory and the net amount paid/to be paid to the laboratory for pathology or cytology services. The disclosure provisions of the amendment would not apply to the State or any local government. **HB 3591** by Rep. West that exempts occasional food sales of 125 consecutive hours or less at senior citizen centers from the statutory definition of food service establishments was referred to FW&M. **HJR 1062** by Rep. Cooper as amended was referred to FW&M. The amended resolution encourages the American Heart Association and the Red Cross to implement an advertising campaign that promotes the optional delivery method of cardiopulmonary resuscitation that utilizes chest compressions only.

Testimony on **HB 3512** by Rep. McMillan, Rep. Armstrong (fraud and abuse in the TennCare program/Office of TennCare Inspector General) continued until committee time expired. Testimony and discussion on HB 3512 is scheduled to continue at the Wednesday committee meeting.

The final committee calendar continued at noon on Wednesday, April 28. After further consideration, **HB 3512** by Rep. McMillan, Rep. Armstrong as amended was referred to FW&M. The amended bill creates a separate and distinct unit that deals only with TennCare fraud and abuse and that reports to the Commissioner of Finance & Administration. The legislation contains criminal and civil penalties, a duty to report, fines for

false claims, and a duty to maintain records. Amendment 2 requires the Commissioner of Finance & Administration to report to the House and Senate Health Committees on the implementation of the TennCare fraud legislation in HB 3512 and HB 3513. Amendment 3 authorizes the court, as permitted by federal law and the TennCare waiver, to order persons convicted of a criminal offense involving the sale of prescription drugs obtained through TennCare to be permanently disqualified from the TennCare program. **HB 3368** by Rep. J. DeBerry as amended was referred to C&R. The amended bill requires the Department of Human Services to promulgate rules requiring that by May 1, 2005, all vehicles used by child care centers for transportation of six or more passengers must be equipped with a child safety monitoring device approved by the Department. The Department is authorized to establish a grant program of private funding to help subsidize the cost of the devices. The provisions of the amendment do not apply: (a) when all children in the vehicle are five years old and in kindergarten or older than five years, except if a child is disabled or not ambulatory or (b) to vehicles used for occasional field trips. **HB 3450** by Rep. McMillan as amended was referred to FW&M. The amended bill exempts replacement nursing home applications from certain provisions of the Health Services and Planning Act. A replacement facility application is defined as an application, or pair of applications, that proposes to replace one or more currently licensed facilities with another single licensed nursing home or with two licensed nursing homes if conditions specified in the amendment are met. Any application that does not increase the number of beds over the number in the existing facility would be exempt from CON requirements and the limitation of 125 Medicare skilled nursing facility beds per year. If the application does increase the number of beds from the existing facility only the amount of the increase would be subject to the 125-bed limit. Amendment 2 states that the capital cost of the replacement facility will not be considered in determining the statewide capital cost limits for Medicaid reimbursement for nursing home beds. **HB 3463** by Rep. McMillan as amended was referred to C&R. The amendment rewrites the bill to allow reciprocity to out-of-state specialty certification for dentists if the requirements in the original state are similar to those in Tennessee. **SJR 0860** by Rep. Shepard that urges adoption of the recommendations of the American Academy of Pediatrics for the prevention of respiratory syncytial virus (RSV) in children was referred to C&R. **HB 3592** by Rep. Pinion that rewrites portions of the abortion statutes was deferred to a meeting at the call of the chair 14-7 on a roll call vote.

HB 3592 would rewrite restrictions in the abortion statutes found to be unconstitutional by Tennessee Courts in a manner that attempts to comply with constitutional requirements of the relevant court decisions. This bill continues to require a licensed physician to perform the procedure, removes the second trimester hospitalization requirement in current law, allows information necessary for informed written consent to be provided by a physician or other appropriate health care professional, requires a 24-hour waiting period after the woman receives the required information before an abortion can be performed, and creates an exception to the informed consent and waiting period when necessary to preserve the life or health of the woman. The Attorney General has opined that HB 3592 is defensible under the U.S. Constitution and defensible under the Tennessee Constitution (No. 04-068). **HB 2757** by Rep. Pruitt that directs the Commissioner of the Department of Finance & Administration to study and make recommendations concerning merging functions of agencies serving the elderly and disabled into a single entity based upon recommendations of the December 2003 Comptroller report, "Serving the Aging and Disabled: Progress and Issues," was referred to FW&M. Rep. Odom took **HB 3003** (permanent cosmetic technicians, operators, and salons) off notice. Rep. DuBois took **HB 3159** (professional identifications) off notice.

All **subcommittees** of Health & Human Resources are closed subject to the call of the respective chair.

Judiciary

Paige Edwards

Civil Practice and Procedure Subcommittee

On Wednesday, the **Civil Practice and Procedure Subcommittee** held its final meeting of the legislative session and considered 16 bills. HB 1441 by Representative Overbey failed to receive a motion for passage. HB 2735 and HB 2740, both of which are sponsored by Representative Bunch, were referred to the summer study committee of the House Judiciary Committee. HB 3326 by Representative McCord and HB 1085 by Speaker Pro Tem DeBerry were taken off notice.

The following 11 bills were approved for passage and **referred to the full committee**:

- **HB 2385** by Representative Curtiss, as amended, provides a public safety measure to combat the hazardous effects of methamphetamine production. Under this bill, the commissioner of environment and conservation shall promulgate and maintain a list of certified industrial hygienists and a list of persons authorized to clean hazardous waste sites that will be posted on the department's website. After a determination is made that methamphetamines were manufactured on a property, the department of environment and conservation or local law enforcement shall post the property to indicate that such property is quarantined. Under this bill, the property owner would be responsible for environmental testing and for removing hazardous waste from the property.
- **HB 2544** by Representative Fowlkes, as amended, authorizes writings to be registered as an electronic record with the county register.
- **HB 2699** by Representative Maddox relates to damages that may be assessed in tort actions for facilities, community mental health centers, and child care agencies that contract with the state. An amendment will be forthcoming in full committee.
- **HB 2911** by Representative West, as amended, revises the present law relating to garnishments. Under this bill, a writ of garnishment that is served later in time than another writ shall run concurrently with the earlier filed writ with regard to the six-month time limit.
- **HB 2970** by Representative Bowers adds a \$25 expense fee in addition to all other court costs when a person is charged with a misdemeanor offense. The fee would not be assessed when the defendant is acquitted by trial or the charges are dismissed without costs.
- **HB 3000** by Representatives Hawk and Newton, as amended, limits liability for businesses that engage in recreational white water rafting. Essentially, this bill addresses liability issues that white water rafting businesses are experiencing with insurance companies in East Tennessee.
- **HB 3231** by Representative Newton, as amended, creates the "Promotional Contests in Advertising Act." This bill authorizes businesses to conduct promotional contests in advertising in Tennessee only if such contest includes the elements of prize and chance but excludes the element of consideration. The provisions of this bill would not affect the Tennessee Consumer Protection Act. Likewise, promotional contests in advertising that are conducted in accordance with this bill would not be considered gambling.

- **HB 3252** by Representative Briley, as amended, relates to reporting medical malpractice claims to the department of commerce and insurance. This bill addresses issues that were raised by the joint ad hoc committee on tort reform.
- **HB 3387** by Representative Briley requires hospitals and health care facilities to report disciplinary actions against a physician to the Board of Medical Examiners.
- **HB 3433** by Representatives Windle and Briley directs the department of health and developmental disabilities to study the feasibility of a guardianship program for persons who are mentally disabled. The department shall report its findings and suggested legislation to the governor, the senate general welfare committee, senate health and human resources committee and the house health and human resources committee by January 15, 2005.
- **HB 3445** by Representative Curtiss restricts the sale of drugs that are used to create methamphetamines. This bill creates a Class A misdemeanor for the sale of excessive amounts of over-the-counter drugs containing ephedrine, pseudoephedrine, or phenylpropanolamine. These particular drugs would be displayed for sale behind a counter in a locked display case or within six feet of a register located on a check-out counter. This bill requires a customer to sign a register when such drugs are purchased. This bill would supercede municipal ordinances that restrict or regulate the sale of such drugs. Also, this bill encourages retail merchants to participate in the Meth Watch program.

Civil Procedure & Practice is closed subject to the call of the chair.

Constitutional Protections Subcommittee

On Tuesday, the **Constitutional Protections Subcommittee** had one bill on the calendar, HB 0914 by Representative Hargett. The bill, which authorizes possession of a firearm within an establishment that serves alcohol or beer, and which derives 51% or more of its gross annual revenue from the sale of food, failed in committee. Current law makes possession of a firearm within a building in which beer, alcohol or wine are sold a Class A misdemeanor.

Constitutional Protections is now closed subject to the call of the chair.

Full Judiciary Committee

On Wednesday, the **full Judiciary Committee** met to consider 52 bills. Rolled one week were House Bills 2925, 2832 and 0761 all by Representative Todd; House Bills 2637, 2878, 2879, 2738, 2741 and 1924 all by Representative Bunch; House Bills 0821, 0986 and 1454 by Representative Overbey; House Bills 2852, 2209 and 2210 by Representative Wittingham; HB 2777 by Representative Buttry; HB 2599 by Representative Hackworth; HB 2405 by Representative Mumpower; House Bills 2664 and 1371 by Representative Johnson (Loudon); HB 3324 by Representative McCord; HB 2958 by Representative Lynn; HB 0121 by Representative Buck; and HB 2166 by Representative Turner (Davidson). HB 0591 by Representative Pleasant was rolled one week to await an Attorney General's opinion .

Taken off notice were HB 2504 by Representative Brooks (Shelby) and HB 3332 by Representative Bowers.

The following bills were referred to **Finance, Ways & Means**:

- **HB 3186** by Representative Rinks amends the present law relating to evidentiary matters in criminal proceedings involving sexual offenders. Specifically, this bill involves a defendant who is charged with a sex offense in a criminal case in which the victim is less than 13 years of age. Under this bill, the defendant's prior conviction for another sex offense, involving a victim at the time of the offense who was less than 13 years of age, would be admissible into evidence on any relevant matter, subject to Rule 403 of the Tennessee Rules of Evidence. The state would be required to disclose such evidence to the defendant at least 15 days before the trial or at such time as the court may allow for good cause.
- **HB 3008** by Representative Hagood, as amended,

revises the present law regarding the issuance of criminal summons or arrest warrants. This bill provides discretion for the magistrate, judge, or clerk

to issue a criminal summons instead of an arrest warrant. This bill reestablishes the purpose of the criminal summons as well as the notice requirements attached to the document. The provisions of this bill would govern all aspects of the issuance of criminal summons, notwithstanding Rule 4 of the Tennessee Rules of Criminal Procedure. This bill adds that the magistrate may issue a warrant for arrest instead of a

criminal summons if the offense complained of is a felony.

- **HB 2650** by Representative Fowlkes, as amended, revises the law relating to the issuance of a criminal summons or an arrest warrant. This bill provides that a criminal summons or an arrest warrant may be issued by a judge, depending upon the circumstances surrounding a particular case. Also, this bill clarifies that a judge always has the discretion to issue an arrest warrant.
- **HR 0258** by Representative Brooks (Shelby), as amended, creates a special study committee to examine reparation proposals for African-Americans.
- **HB 3454** by Representative McMillan, as amended, revises the present law for the payment of DNA analysis when a post-conviction defender files a petition requesting DNA analysis of any evidence that is related to the investigation or prosecution that resulted in the conviction. Under this bill, payment shall be made from the appropriations made for the indigent defendants' counsel in the annual appropriations act. Under present law, the DNA analysis is funded through the Criminal Injuries Compensation Act.
- **HB 3458** by Representative McMillan, as amended, revises the definition of aggravated cruelty to animals. Under this bill, aggravated cruelty to animals would include failing to provide food and water to a companion animal resulting in a substantial risk of death or death. Also, the court may order the owner of a seized animal to post a bond for expenses incurred by the animal control agency or humane society that cares and provides for the seized animal.
- **HB 2700** by Representative Cochran authorizes a criminal background check on any person who is employed as an EMT or who is applying for employment as an EMT. The employer would pay for criminal background investigations on current employees. The applicant for an EMT position would pay the costs associated with the criminal background investigation.
- **HB 3423** by Representative Fowlkes, as amended, establishes the "Municipal Court Reform Act of 2004" which will become effective January 1, 2005. This bill represents the compromise that was reached

by the joint study committee on municipal courts. This bill establishes jurisdictional limits for

municipal judges, creates a uniform appeal period for

municipal court judgments, requires city judges and clerks to obtain annual training, addresses speed trap issues, and eliminates judicial bias in municipal courts. This bill requires a clerk to maintain municipal court records for auditing purposes. This bill creates a uniform procedure for local governments to create municipal courts with general sessions jurisdiction. Under this bill, provisions relating to litigation taxes are placed in

one section of the code. Furthermore, this bill establishes the Tennessee Municipal Judges Conference.

- **HB 3113** by Representative Brown, as amended, authorizes Hamilton County to establish judicial commissioners to assist the general sessions court. This bill specifies the judicial commissioner's duties, term of office, and compensation. This bill results from recent litigation concerning a private act for Hamilton County.
- **HB 2812** by Representative Matheny, as amended, was approved for passage and referred to the full committee. As amended, this bill creates a \$9 million dollar grant program to assist rural areas with situations associated with methamphetamines production and use. The grant money would be distributed equally among law enforcement, the district attorneys and the public defenders, and the department of health. Also, this bill reclassifies ephedrine as a Schedule V controlled substance.
- **HB 2961** by Representative Lynn, as amended, creates a Class E felony for furnishing alcohol to minors. Under present law, furnishing alcohol to a minor is punishable as a Class A misdemeanor. **HB 2961** received a favorable recommendation from the **Joint Ad Hoc Committee on Alcohol & Citizen Responsibility**.
- **HB 2824** by Representative Buck increases the sentence for methamphetamines violations under certain circumstances. The penalty would be increased if a firearm were found on the premises. Also, the penalty would be increased if the manufacture of the controlled substance creates a health or environmental hazard, occurs in the presence of children under 13 years of age, or took place or was to take place within 500 feet of a residence, place of business, church, or school.
- **HB 2636** by Representative Newton establishes the "Drug Dealer Liability Act." The purpose of this act is to provide a civil remedy for damages to persons in a community injured as a result of illegal drug use. Furthermore, this bill intends to shift the cost of

damage caused by the existence of the illegal drug market in a community to those who illegally profit from that market. Primarily, this bill provides a method to bring a civil action against drug dealers in a community.

- **HB 3146** by Representative Johnson (Loudon), as amended, provides the register of deeds with options in which to deal with excess fees that accompany instruments for recordation.
- **HJR 0983** by Representative Cooper requests the Administrative Office of the Courts to study creative sentencing for criminal offenses. The Administrative Office of the Courts would report its findings and recommendations to the General Assembly no later than February 1, 2005.
- **HJR 1055** by Representative Briley proposes a constitutional amendment to amend Article VI, Section 14 of the Tennessee Constitution. The proposal authorizes the General Assembly to establish the maximum fine that may be assessed without a jury. The fine would not exceed \$500. If the proposal were adopted, municipal courts could impose fines greater than \$50.

The following bills were referred to **Calendar & Rules**:

- **HB 1569** by Representative Briley, as amended, authorizes a licensed collection service to take assignment of accounts, bills, notes, or other indebtedness held by another person or entity for the purpose of billing, collecting, or filing suit under the collection service's name as the real party in interest. This bill establishes requirements that must be met before the collection service can properly file suit. Also, this bill addresses jurisdictional issues, legal representation, and issues involving the consolidation of debts for a case. This bill would not affect the "Fair Debt Collection Practices Act" under federal law. Twenty states have adopted similar legislation.
- **HB 2787** by Representative Hargrove, as amended, establishes a procedure for bringing actions against a contractor, subcontractor, supplier, or design professional related to an alleged construction defect.

This bill states that payment of a settlement does not constitute an admission of liability with respect to the

defect.

- **HB 3404** by Representative Hargrove, as amended, revises the law relating to fiduciaries. This bill authorizes the judge to waive the three-day time period requirement for guardian ad litem to submit

a written report prior to hearing a matter. Also, this bill clarifies that the court would be authorized to revoke or amend a durable power of attorney for healthcare and replace the attorney in fact designated in such power of attorney. A fiduciary appointed by the court would not have this authority notwithstanding the Uniform Durable Power of Attorney Act.

- **HB 2653** by Representative Cooper, as amended, addresses citizenship rights for non-violent offenders

who are released from incarceration or discharged from parole, probation, pre-trial or judicial diversion or community correction supervision. This bill urges the sentencing court, department of correction, and board of probation and parole to provide such person with information explaining the restoration of

citizenship rights.

- **HB 3232** by Representative McKee, as amended, revises the present law relating to residential and employment restrictions for sexual offenders.
- **HB 0088** by Representative Buck, as amended, increases the penalty for failure to return process from \$125 to \$150.
- **HB 2639** by Representative Fowlkes, as amended, revises probate law relating to estates, creditors' rights, elective share, ademption, trusts, and gift taxes.
- **HB 3311** by Representative Hagood extends immunity to restaurants, hotels, and convention centers that act as good faith donors to charitable or nonprofit organizations. These entities would not be subject to criminal penalties or civil damages arising from the condition of donated food, unless gross negligence, recklessness, or intentional conduct of the donor caused the injury. The bill addresses concerns raised by charitable organizations such as Second Harvest Food Bank.
- **HB 0298** by Representative Cochran, as amended, requires the attorney general and reporter or district attorney general to inform the governor of ethical conflicts that could arise from employing additional legal counsel.

State & Local Government

Lawrence Hall, Jr.

Full Committee

This week in the **State and Local Government Committee**, **HB 3148** by Rep. Miller was passed to Finance, Ways, and Means. This bill creates a program for certain elderly property owners to transfer their property to the Shelby County Clerk to avoid increases in local property taxes. This bill only applies to Shelby County. **HB 3189** by Rep. Kernell was passed to Finance, Ways, and Means. As amended, this bill will increase the home office expense amount by \$300 per month for members of the general assembly. **HB 1202** by Rep. Pruitt passed to Finance, Ways, and Means. This bill requires that funds from the alcohol and drug addiction treatment fund that are related to the distribution of vehicle forfeiture proceeds be used for treatment of indigent persons in the drug court treatment program.

The committee considered **HB 2834** by Rep. Head. This bill passed to Calendar and Rules. This bill will permit properties that are in a federally designated empowerment zone in Memphis to be sold for back taxes. **HB 2633**, by Rep. Lynn, will prohibit discrimination of faith based providers in state and local contracts for goods and services provided by the Departments of Children's Services, Health, and Human Services. This bill passed to Calendar and Rules. **HB 3014** by Rep. L. DeBerry was passed to Finance, Ways, and Means. This bill states that if an audit of personal property presented an overpayment of taxes, the local tax collector and trustee must pay back to the taxpayer the overpaid taxes and interest.

This was the **last meeting** of the State and Local Government full committee.

All subcommittees are closed.

Transportation

Greg E. Adkins

Full Committee

The **full Transportation Committee** met on Wednesday, April 28, 2004, and considered eight bills. **HB 1024** by Rep. DuBois passed to FW&M as amended. The amendment rewrites the bill and authorizes TDOT to establish and administer a safe-routes-to-school program pursuant to Title 23 of the United States code

which would allow the use of federal transportation funds for bicycle and pedestrian safety and traffic calming measures. Only schools located on state roads or state highways would be eligible under the program. TDOT would be authorized to perform such activities and make such expenditures, as may be reasonably necessary to implement the program.

The following highway sign bills passed to FW&M:

1. **SJR 798** by Rep. Fraley--"Veterans Memorial Highway" sign for S.R. 30 in Warren County.
2. **HB 3416** by Rep. Pinion--"Tennessee Kentucky Lake Recreational Area and the Scenic Tennessee River" directional Signs on Interstate 40.
3. **HB 3089** by Rep. Borchert--"Van Riggins Memorial Highway" sign on U.S. 79 in Stewart County. The bill was amended to include additional signs.

The following bills were rolled one week:

- (1) **HB 2588** by Rep. Kernell, (2) **HB 2269** by Rep. Bone, (3) **HB 3212** by Rep. Fitzhugh.

HB 3222 by Rep. Pinion was taken off notice.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** is closed subject to the call of the Chair.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** is closed subject to the call of the Chair.

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